

JOURNAL OF THE HOUSE.

Wednesday, October 9, 2013.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of  
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Appointments to Joint Standing Committees.

The Speaker announced that, under the provisions of Joint Rule 18A, he had made the following appointments to fill vacancies in joint standing committees:

Joint standing  
committees,—  
appointments.

That Mr. Cullinane of Boston had been appointed to the ninth position on the committee on Children, Families and Persons with Disabilities; to the eighth position on the committee on Mental Health and Substance Abuse; and to the ninth position on the committee on Revenue;

That Mr. Donahue of Worcester had been appointed to the tenth position on the committee on Economic Development and Emerging Technologies, to the ninth position on the committee on Labor and Workforce Development; and to the ninth position on the committee on Tourism and Cultural Development; and

That Ms. Fiola of Fall River had been appointed to the eleventh position on the committee on Economic Development and the Emerging Technologies, to the ninth position on the committee on Mental Health and Substance Abuse; and to the ninth position on the committee on Public Service.

Change in Standing Commission Membership.

Criminal  
Justice  
Commission.

The Minority Leader announced that pursuant to his authority (under Section 18 of Chapter 38 of the Acts of 2013) he had appointed Mr. Hunt of Sandwich to serve as his designee on the Criminal Justice Standing Commission to fill the vacancy created by the resignation from the House of Representatives of Daniel B. Winslow of Norfolk.

Guests of the House.

Charles  
Martel.

During the session, the Speaker took the Chair, declared a brief recess and introduced Charles Martel of Melrose, Clerk of the committee on Bills in the Third Reading. The Speaker then expressed the gratitude of the House for Charlie's fifty years of service to the House of Representatives. Charlie was accompanied by his wife Barbara, his daughter Kara Kilpatrick and her husband David, his three grandchildren, Teagan, Brendan and Liam and his sister-in-law Cheryl Ventola. They were the guests of the Speaker.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Mariano of Quincy, Ayers of Quincy, Chan of Quincy and Walsh of Boston) congratulating Saint John the Baptist Parish on the one hundred and fiftieth anniversary of its founding; and

Saint John  
the Baptist  
Parish.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Sister Mary Albertus Haggerty on her one hundredth birthday;

Sister Mary  
Albertus  
Haggerty.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Hill of Ipswich, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*

Petitions severally were presented and referred as follows:

By Representative Bradley of Hingham and Senator Hedlund, a joint petition (subject to Joint Rule 12) of Garrett J. Bradley and Robert L. Hedlund for legislation to establish a sick leave bank for Beth-Ann Litchfield, an employee of the Executive Office of Health and Human Services.

Beth-Ann  
Litchfield,—  
sick leave.

By Representative Collins of Boston and Senator Forry, a joint petition (subject to Joint Rule 12) of Nick Collins and Linda Dorcena Forry relative to the expansion of the Boston Convention and Exhibition Center.

Boston  
Convention and  
Exhibition  
Center.

By Mr. Rogers of Norwood, a petition (subject to Joint Rule 12) of John H. Rogers for legislation to authorize the town of Norwood to change the use of a certain parcel of recreation department land and to further authorize the construction of a regional indoor ice skating rink and recreation center.

Norwood,—  
land.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

The House Bill authorizing the city of Fitchburg to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 3448), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 4, striking out the words "Ray's Variety," and inserting in place thereof the words "Ishwarlal N. Patel to be operated at the premises".

Fitchburg,—  
liquor  
license.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill relative to a lease agreement for land in the town of Tewksbury between the Division of Capital Asset Management and Maintenance and the Tewksbury Hospital Equestrian Farm (House, No. 3663), came from the Senate passed to be engrossed, in concurrence, with an amendment inserting before the enacting clause the following emergency preamble:

Tewksbury,—  
land  
lease.

Tewksbury,—  
land  
lease.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith a deadline extension to the Tewksbury Hospital Equestrian Farm, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Simulcasting  
horse  
races.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 1879) of Anthony W. Petrucci and Carlo Basile for legislation relative to simulcasting horse races in the Commonwealth. To the committee on the Consumer Protection and Professional Licensure.

Congress,—  
prudent  
banking.

Petition (accompanied by bill, Senate, No. 1824) of Michael O. Moore and Paul K. Frost for the adoption of resolutions relative to prudent banking. To the committee on Financial Services.

The following notice was received from the Clerk of the Senate, to wit:—

October 8, 2013.

Honorable Robert A. DeLeo  
*Speaker of the House of Representatives*  
Room 356, State House  
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Therese Murray, President of the Senate, has announced the following appointments and resignation:

Criminal  
justice  
system.

Senators Patricia D. Jehlen and William N. Brownsberger to the Special Commission established (pursuant to Section 18M of Chapter 38 of the Acts of 2013) to make an investigation and study of the Commonwealth’s criminal justice system;

Affordable  
Care Act.

Senator James T. Welch (pursuant to Section 102A of Chapter 38 of the Acts of 2013) to consult with the Governor, or his designee, on any federal negotiations for a waiver from the Affordable Care Act;

Adoption  
process.

Senator Michael D. Barrett to the Task Force established (pursuant to Section 2 of Chapter 38 of the Acts of 2013) to make an investigation and study of ways to reduce the costs and delays in the adoption process in the Commonwealth;

Illegal  
tobacco  
market.

Senator Michael J. Rodrigues (and the resignation of Senator Gale D. Candaras) to the Special Commission established (pursuant to Section 182 of Chapter 38 of the Acts of 2013) to make an investigation and study of the economic impact of the illegal tobacco market in Massachusetts and the resulting loss of tax revenue; and

Public-Private  
Partnership.

Senator Thomas M. McGee (pursuant to Section 183 of Chapter 38 of the Acts of 2013) to the Public-Private Partnership Commission.

Respectfully submitted,

WILLIAM F. WELCH,  
*Clerk of the Senate.*

*Reports of Committees.*

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill requiring child and parent involvement in permanency and placement planning (House, No. 120). Referred, under Joint Rule 1E, to the committee on Health Care Financing. Placement of children.

By Mr. Conroy of Wayland, for the committee on Labor and Workforce Development, on a petition, a Bill to provide incentives for productive workers compensation audits (House, No. 1771). Read; and referred, under Rule 33, to the committee on Ways and Means. Workers' compensation audits.

By Mr. Conroy of Wayland, for the committee on Labor and Workforce Development, on a petition, a Bill making discrimination on the basis of height and weight unlawful (House, No. 1758) [Representative Orrall of Lakeville dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Employee discrimination.

*Engrossed Bills.**Engrossed bills*

Relative to the establishment of a special capital fund in the town of Acushnet (see House, No. 3592); and

Authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3603); Bills enacted.

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Recess.*

At five minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes before one o'clock; and at three minutes before one o'clock the House was called to order with Mr. Donato in the Chair. Recess.

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*Joint Session of the Two Houses to Consider  
Specific Amendments to the Constitution.*

At three minutes before one o'clock P.M., the two Houses met in Joint Session.

*JOINT SESSION*

and were called to order by the Honorable Therese Murray, President of the Senate.

The Proposal for a legislative amendment to the Constitution relative to absentee and early voting by voters of the Commonwealth (see Senate, No 12) (with reference to which the committee on Election Laws had reported recommending that the amendment ought to pass),—was read twice in accordance with the provisions of the special rules. Absentee and early voting.

Absentee  
and early  
voting.

The proposal reads as follows:

Proposal for a legislative amendment to the Constitution relative to absentee and early voting by voters of the Commonwealth.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Section 1. Article CXXI. Article XLV of the Amendments to the Constitution, as appearing in Article CV of the Amendments, is hereby annulled and the following is adopted in place thereof:—

Article XLV. The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by any qualified voter of the commonwealth by absentee ballot.

Section 2. The Constitution is hereby amended by adding the following article:—

Article CXXII. The general court shall have the power to provide, by law, a process to allow qualified voters to vote at polling places inside or outside such voter's election district, during the 10 business days immediately preceding an election.

The proposal was ordered to a third reading.

Without further action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Petrucci, at one minute before one o'clock P.M., the Joint Session was recessed until Wednesday, March 12, 2014 at one o'clock P.M.

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*Reports of Committees.*

Mrs. Haddad of Somerset being in the Chair,—

Supplemental  
appropriations.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House rules 7B and 7C) an Order relative to special procedures for consideration of the Bill making appropriations for fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3700) (for order, see House, No. 3677), was considered.

After debate the order was adopted.

Tribal-State  
Compact,—  
prohibit  
amendments.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House rules 7B and 7C) an Order relative to special procedures for consideration of the Resolve relating to the tribal-state compact between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts (House, N. 3376) (for order, see House, No. 3689).

The order was considered forthwith; and it was adopted.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Josh S. Cutler relative to the calculation of interest paid by local governments in certain judicial actions. To the committee on the Judiciary.

Judicial  
actions,—  
interest.

Petition (accompanied by bill) of Thomas M. Petrolati for legislation to establish a sick leave bank for Maritza Miranda, an employee of the Department of Children and Families. To the committee on Public Service.

Maritza  
Miranda,—  
sick leave.

Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Louis L. Kafka and others relative to animal cruelty. Under suspension of the rules, on motion of Mr. Mariano of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Animal  
cruelty.

### *Orders of the Day.*

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement upon land located in the town of Ware to the Massachusetts Water Resources Authority (Senate, No. 1837) (its title having been changed by the committee on Bills in the Third Reading) reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third  
reading  
bill.

### House bills

Adding motorcycle support to the Governor's Highway Safety Committee (House, No. 3046);

Second  
reading  
bills.

Designating a certain state owned bridge in the town of Randolph as the Charles L. Bowley memorial bridge (House, No. 3158);

Authorizing the Plymouth County Contributory Retirement System to issue pension funding bonds or notes (House, No. 3377);

Amending the town of Dennis Barrier Beach Protection Stabilization Fund Act (House, No. 3630); and

Relative to the Cohasset Board of Sewer Commissioners (House, No. 3671);

Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to milk producer's security fund reimbursement (House, No. 751), was read a second time.

Second reading  
bill amended.

The amendment previously recommended by the committee on Ways and Means,—that the bill be amended in section 1, in line 1 by striking out the year "2010" and inserting in place thereof the year "2012",—was adopted; and the bill (House, No. 751, amended) was ordered to a third reading.

Second reading  
bill amended.

The House Bill relative to injured on duty benefits for environmental police officers (House, No. 2422), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in line 1 by striking out the year “2010” and inserting in place thereof the year “2012”,— was adopted; and the bill (House, No. 2422, amended) was ordered to a third reading.

Id.

The House Bill relative to portable electronics insurance (House, No. 3541), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 1, by striking out the year “2010” and inserting in place thereof the year “2012”,— was adopted; and the bill (House, No. 3541, amended) was ordered to a third reading.

Tribal-State  
Compact.

The House Resolve relating to the Tribal-State Compact between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts (printed in House, No. 3376), reported by the committee on bills in the Third Reading to be correctly drawn, was read a third time.

Resolve  
passed to be  
engrossed,—  
yea and nay  
No. 230.

After debate on the question on passing the resolve to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Wagner of Chicopee; and on the roll call (Mr. Donato of Medford being in the Chair) 116 members voted in the affirmative and 38 in the negative.

**[See Yea and Nay No. 230 in Supplement.]**

Therefore the resolve was passed to be engrossed. Mr. Wagner of Chicopee moved that this vote be reconsidered; and the motion to reconsider was negatived. The resolve (printed in House, No. 3376) then was sent to the Senate for concurrence.

School  
improvements.

The House Bill relative to school improvement plans (House, No. 414), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by striking out sections 2 and 3 and inserting in place thereof the following section:

“SECTION 2. The principal of each school, in consultation with the school council established pursuant to this section, shall on an annual basis, in conformity with the provisions of section II of chapter 69, develop and submit to the district superintendent a plan for improving student performance. The superintendent shall review and recommend the plan to the school committee; provided, however, that a school committee may designate the superintendent to review and approve the plan on its behalf. Plans shall be prepared in a manner and form prescribed by the department of elementary and secondary education and shall conform to any policies and practices of the district consistent therewith. Action to approve or disapprove a school improvement plan shall be completed within 45 days of the recommendation from the superintendent; otherwise the plan shall be deemed to have been approved. In the event that the superintendent does not recommend the plan, the plan

shall be returned to the principal who shall, after consultation with the school council, resubmit the plan to the superintendent who shall review and recommend the plan to the school committee for approval, consistent with any comments of the superintendent and the school committee. Failing such plan recommendation by the superintendent by July 1 of each year, or such approval by the school committee by August 16 of each year, a subcommittee consisting of the school committee chair or other member designated by the chair, the superintendent, or his designee, and a parent member of the school council chosen by the school council shall have the authority to establish the plan.”.

The amendment was adopted; and the bill (House, No. 414, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M. Next sitting.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes after three o’clock P.M., on motion of Mr. Peterson of Grafton (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o’clock A.M., in an Informal Session.